

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8852

UNITED STATES OF AMERICA,
Plaintiff,

v.

Eleno ELENES
Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

COUNT ONE

On or about October 15, 2007, within the Southern District of, California, defendant Eleno ELENES, did knowingly and intentionally import approximately 5.36 kilograms (11.73 pounds) of methamphetamine, a Schedule II Controlled Substance into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

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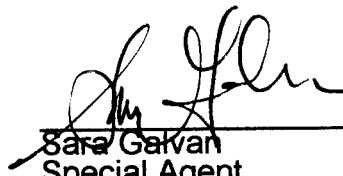
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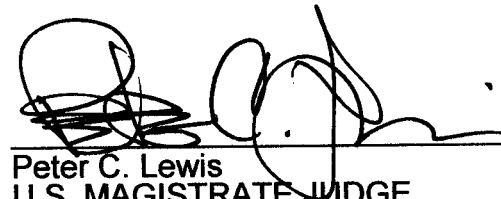
COUNT TWO

That on or about October 15, 2007, within the Southern District of California, defendant Eleno ELENES, did knowingly and intentionally import approximately 4.86 kilograms (10.70 pounds) of cocaine, a Schedule II Controlled Substance into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Sara Galvan
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 16th
DAY OF OCTOBER, 2007.


Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Eleno ELENES

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished to United
6 States Immigration and Customs Enforcement Special Agent Sara Galvan.

7 On October 15, 2007, at approximately 2050 hours, Eleno ELENES entered the United
8 States from Mexico at the Calexico, CA West Port of Entry. ELENES was the driver and sole
9 occupant of a 1991 Lexus L3400 with California license plates 2V02121 license plate.

10 Customs and Border Protection Officer (CBPO) Hedlund was assigned primary inspectional duties
11 and received a negative oral Customs declarations from ELENO. CBPO Hedlund observed how there was
12 a strong odor of gasoline coming from the vehicle and noticed how the vehicle appeared rather clean and
13 with no personal items. ELENO admitted that he had purchased the vehicle approximately one week
14 before. CBPO Hedlund referred ELENO and the vehicle to the secondary lot for a more intensive
15 inspection.

16 Canine Enforcement Officer (CEO) J. Jones was conducting vehicle lot sweeps with his assigned
17 Narcotics Human Detector Dog when his dog alerted to a 1991 Lexus L3400 driven by ELENES. CEO J.
18 Jones asked the subject to step out of the vehicle and stand in front of the hood. CEO J. Jones received a
19 negative Customs declaration from ELENES. CEO J. Jones placed his NDD inside the vehicle and he
20 responded to the back seat by sitting down. At this point, CEO J. Jones requested the assistance from S.
21 Hooper.

22 During secondary inspection, CBPO Hooper again received a negative Customs declaration from ELENES
23 and stated he was the owner of the vehicle for approximately three weeks. After further inspection, a total
24 of 10 packages were discovered within the rear seat and an electronic access door found on the back of the
25 gas tank. Six (6) of the packages contained a crystallized substance that field-tested positive for the
26 presence of methamphetamine with a total weight of approximately 5.36 kilograms (11.73 pounds). The
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1 other ten (4) packages contained a white powdery substance that field-tested positive for the presence of
2 cocaine with a total weight of approximately 4.86 kilograms (10.70 pounds).

3 ELENES was arrested for violation of Title 21 U.S.C. 952 and 960, Importation of a
4 Controlled Substance. ELENES was advised of his Miranda rights and agreed to answer
5 questions. ELENES admitted he was told and therefore knew that the vehicle he was attempting
6 to drive into the United States concealed marijuana. ELENES stated that he would receive
7 \$4,000.00 USD upon his safe arrival to Pomona, CA. ELENES admitted that he was attempting
8 to smuggle contraband from Mexico into the United States solely for the personal satisfaction.
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